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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/876,160	06/08/2001	Masaharu Ikeda	20402/0625	6709

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EXAMINER

CHAU, COREY P

ART UNIT PAPER NUMBER

2644

DATE MAILED: 02/13/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/876,160

Applicant(s)

IKEDA, MASA HARU

Examiner

Corey P Chau

Art Unit

2644

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06/08/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 4491697 to Tanaka et al (hereinafter preferred to Tanaka).
3. Regarding Claim 1, Tanaka discloses a condenser microphone (i.e. capacitor microphone) comprising one conductive vibrating plate (i.e. movable electrode); one fixed electrode arranged opposite to the vibrating plate (abstract; Fig. 1); a first amplification means 201 and 202; and second amplification means 206 cascaded to the first amplification means between an output terminal of the first amplification means and a microphone output terminal (abstract; Fig. 1).

4. Regarding Claim 2, Tanaka discloses DC power supply connected to the drains of the first and second field effect transistor; first and second impedance elements connected between gates of field effect transistors and ground to hold the DC potential of each gate at ground level (column 1, line 62 to column 2, line 10).

5. Claims 1, 3, 4, 5, 6, and 7 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6104818 to Korner.

6. Regarding Claim 1, Korner discloses a capacitor microphone comprising: a movable electrode 22; a fixed electrode 24 arranged face to face to the movable electrode; first amplification means 20; and second amplification means 18 cascaded to the first amplification means between an output terminal of the first amplification means and a microphone output terminal (Fig. 3; column 3, lines 6-15).

7. Regarding Claim 3, Korner discloses a capacitor connected to a resistor wherein a resistance is for supplying a driver voltage to the microphone circuit (i.e. power supply to the drive means is configured so that the power is temporarily obtained for storage through the microphone output terminal according to voltage values and the stored voltage is used when obtaining the power is stopped) (abstract; Fig. 3, references 12 and 14).

8. Regarding Claim 4, Korner discloses second amplification means 18 might also consist of a field effect transistor (column 2, lines 35-36). Therefore, a source electrode of the FET receiving an output current of the first amplification means and a drain

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current of the FET passing to the microphone output terminal (Fig. 3, references 18 and 20).

9. Regarding Claim 5, Korner discloses second amplification means 18 is composed of a junction type of transistor. An emitter electrode of the transistor receiving an output current of the first amplification means and a collector current of the transistor passing to the microphone output terminal (Fig. 3, references 18 and 20).

10. Claim 6 is essentially similar to Claim 4 and is rejected for the reasons stated above apropos of Claim 4.

11. Regarding Claim 7, Korner discloses first amplification means 20 is composed of a FET (Fig. 3, reference 18).

Conclusion


12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Corey P Chau whose telephone number is (703)305-0683. The examiner can normally be reached on Monday - Friday 9:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Forester W Isen can be reached on (703)305-4386. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

February 3, 2004


SPE, A.U. 2644